

## Subpart F—Environmental Impact Statement (EIS)

### § 651.28 Introduction.

An EIS is a public document with a primary purpose of ensuring that NEPA policies and goals are incorporated early into the programs and actions of Federal agencies. An EIS is required to provide a full and fair discussion of significant environmental impacts. Along with other project documentation, the EIS provides a basis for informed decisionmaking. Further, it allows public review and comment on the proposal.

### § 651.29 Conditions requiring an EIS.

An EIS is required when a proponent, preparer, or approving authority determines that the proposed action has the potential to—

- (a) Significantly affect environmental quality or public health or safety.
- (b) Significantly affect historic or archaeological resources, public parks and recreation areas, wildlife refuge or wilderness areas, wild and scenic rivers, or aquifers.
- (c) Have significant adverse effect on properties listed or meeting the criteria for listing in the National Register of Historic Places, or the National Register of Natural Landmarks. (The National Park Service, U.S. Department of the Interior maintains the National Register.)
- (d) Cause a significant impact to prime and unique farm lands, wetlands, floodplains, coastal zones, or ecologically or culturally important areas or other areas of unique or critical environmental concern.
- (e) Result in potentially significant and uncertain environmental effects or unique or unknown environmental risks.
- (f) Significantly affect a species or habitat listed or proposed for listing on the Federal list of endangered or threatened species.
- (g) Either establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects.
- (h) Adversely interact with other actions with individually insignificant ef-

fects so that cumulatively significant environmental effects result.

- (i) Involve the production, storage, transportation, use, treatment, and disposal of hazardous or toxic materials that may have significant environmental impact.

### § 651.30 Actions normally requiring an EIS.

The following actions normally require an EIS:

- (a) Significant expansion of a military facility, such as a depot, munitions plant, or major training installation.
- (b) Construction of facilities that have a significant effect on wetlands, coastal zones, or other areas of critical environmental concern.
- (c) The disposal of nuclear materials, munitions, explosives, industrial and military chemicals, and other hazardous or toxic substances that have the potential to cause significant environmental impact.
- (d) The life cycle development of new material such as weapon systems that requires the construction and operation of new fixed facilities or the significant commitment of natural resources.
- (e) Land acquisition, leasing or other actions that may lead to significant changes in land use.
- (f) Continental United States (CONUS) realignment or stationing of a brigade or larger table of organization and equipment (TOE) unit during peacetime (except where the only significant impacts are socioeconomic with no significant biophysical environmental impact).
- (g) Training exercises conducted outside the boundaries of an existing military reservation where significant environmental damage might occur.
- (h) Major changes in the mission of facilities either affecting areas of critical environmental concern or causing significant environmental impact.

### § 651.31 Format of the EIS.

- (a) The EIS must contain the following:
  - (1) Cover sheet.
  - (2) Summary.
  - (3) Table of contents.

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(4) Purpose of and need for the action.

(5) Alternatives considered, including proposed action.

(6) Affected environmental (baseline conditions).

(7) Environmental and socioeconomic consequences.

(8) List of preparers.

(9) Distribution list.

(10) Index.

(11) Appendixes (if any).

(b) The content of each section is discussed in greater detail in appendix D.

**§ 651.32 Steps in preparing and processing an EIS.**

(a) *Notice of intent (NOI)*. (1) Prior to preparing an EIS (see Figure 4), a NOI will be published in the FR and in newspapers with appropriate or general circulation in the areas potentially affected by the proposed action. The Office of Legislative Liaison (OCLL) will be notified by the ARSTAF proponent

of pending EISs so that congressional coordination may be effected. After the NOI is published in the FR, copies of the notice may also be distributed to agencies, organizations, and individuals, as the responsible official deems appropriate.

(2) Forward the NOI and the proposed press release to the HQDA proponent for coordination prior to publication. The ARSTAF proponent will coordinate the NOI with HQDA (Army Environmental Office, OCLL, and OCPA). The DESOH is the only person authorized to release an NOI to the FR for publication. A cover letter similar to Figure 5 will accompany the NOI. An example NOI is at Figure 6. The NOI initiates the scoping process; therefore, provide adequate response time for those wishing to comment on the NOI or participate in the scoping process. Subpart G discusses public participation requirements and options.